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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/909,966	08/12/1997	YUICHI HIGUCHI	862.1922	2116
5514	7590	04/21/2004		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
			EXAMINER TRAN, DOUGLAS Q	
			ART UNIT 2624	PAPER NUMBER 86
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/909,966

Applicant(s)

HIGUCHI ET AL.

Examiner

Douglas Q. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5,7,9,11,12,14,16,18,55-58,67,68 and 77-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5,7,9,11,12,14,16,18,55-58,67 and 68 is/are rejected.
- 7) ☒ Claim(s) 77-79 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 55, 3, 5, 12, 14, 57, and 67 are rejected under 35 U.S.C. 102(e) as being anticipated by Villalpando (U.S. Patent No. 5,740,368).

As to claim 55, Villalpando teaches a print controlling apparatus for controlling a printing unit to print data corresponding to a print job, comprising:

reception means (i.e., 220 in fig. 2) for receiving a condition change signal indicating that a condition of an engine unit has changed (note: printer status information is received by printer controller 220 in fig. 2, col. 4, lines 31-32);

condition acquisition means (note 220 in fig. 2) discussed in col. 4, line 66 through col. 5, line 7) for acquiring contents of a new condition upon reception of the condition change signal from the engine unit (col. 4, lines 31-34);

determination means (note 201 in fig. 2) for determining based on a signal indicating whether a change in a condition of the printing unit corresponds to a power-off notice (i.e., "please power off" or off-line, col. 4, lines 42-47 and 56);

informing means (note 203 in fig. 2) for supplying information indicating that a power supply is scheduled to be turned off to an external device (i.e., the host apparatus) (i.e., LAN 211

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in fig. 2 discussed in col. 4, lines 37-39) when the determination apparatus determines that the new condition corresponds to the power-off notice.

As to claim 3, Villalpando teaches the external apparatus is connected via a communication network, and informing means supplies the information to all external apparatus connected via the network (col. 5, lines 53-60: since the printer NEB 115 in fig. 1 connected to all host computers 101s and 123s via LAN, the status of the printer would be provided to all of computers).

As to claim 5, Villalpando teaches the determination means (note 201 in fig. 2) determines whether content of the condition acquired by the condition acquisition means indicates a power off notice signal (col. 4, lines 42-45 and 56).

As to claims 57, 12, 14, Villalpando teaches the methods are performed by the apparatus claims 55, 3, and 5 as indicated above.

As to claim 67, Villalpando teaches the programs for instructing the apparatus claim 55 as indicated above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villalpando (U.S. Patent No. 5,740,368), in view of claims 55 and 57, in combination of Bender et al. (U.S. Patent No. 5,791,790).

As to claim 2, Villalpando teaches the features of claim 55 as indicated above.

However, Villalpando does not teaches the information supplied from the informing means to the host includes information of an incomplete job held by the condition holding means

Bender teaches condition holding means for holding a condition of the print job received from the host apparatus, and wherein the information supplied from the informing means to a host (note NPAP 50 in fig. 2) includes information of an incomplete job held by the condition holding means (i.e., non-volatile memory discussed in col. 8, lines 22-30 and col. 4, lines 46-60).

It would have been obvious to have modified the status of printing controller in Villalpando by providing informing means for, when the power supply is turned on, supplying information of an incomplete print job to the host apparatus on the basis of the print job condition stored by the nonvolatile storage means as taught by Bender. The suggestion for modifying the printing system of Villalpando can be reasoned by one of ordinary skill in the art as set forth by Sung because such a modification would improve the capability and efficiency of the system for providing more status options (i.e., an incomplete print job) of a printer which would be informed to the user. This allows a user to take corrective actions, which would then allow the print job to be completed. Also, providing data present and error conditions are very common processes in printers as show by Bender.

As to claim 11, the combination of Villalpando and Bender teaches the steps are performed by claim 2 as indicated above.

5. Claims 7, 9, 16, 18, 56, 58, 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villalpando (U.S. Patent No. 5,740,368) in combination of Bender et al. (U.S. Patent No. 5,791,790).

As to claim 56, Villalpando teaches:

reception means (i.e., 220 in fig. 2) for receiving a condition change signal indicating that a condition of an engine unit has changed (note printer status information is received by printer controller 220 in fig. 2, col. 4, lines 31-32);

acquisition means (note 220 in fig. 2) discussed in col. 4, line 66 through col. 5, line 7) for acquiring contents of a new condition upon reception of the condition change signal from the engine unit (col. 4, lines 31-34);

determination means (note 201 in fig. 2) for determining based on a signal indicating that a condition of the printing apparatus has changed if a new condition corresponds to a power-off notice (col. 4, lines 31-32 and 56).

However, Villalpando does not explicitly teach condition informing means for, when the power supply is resumed "i.e., turned on" after information on a print job that has not been completed has been stored in the nonvolatile storage medium and power, supplying information of an incomplete print job to the external apparatus on the basis of the print job condition stored by the nonvolatile storage means when the new condition corresponds to a power off notice condition.

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Bender teaches informing means (i.e., NPAP Task 50 in fig. 2) for, when the power supply is resumed “i.e., turned on” after information on a print job that has not been completed has been stored in the nonvolatile storage medium, supplying information of an incomplete print job to the host apparatus on the basis of the print job condition stored by the nonvolatile storage means (col. 4, lines 53-60) when the new condition corresponds to a power off notice condition (col. 4, lines 46-52).

It would have been obvious to have modified the status of printing controller in Villalpando by providing informing means for, when the power supply is turned on, supplying information of an incomplete print job to the external apparatus on the basis of the print job condition stored by the nonvolatile storage means as taught by Bender. The suggestion for modifying the printing system of Villalpando can be reasoned by one of ordinary skill in the art as set forth by Sung because such a modification would improve the capability and efficiency of the system for providing more status options (i.e., an incomplete print job) of a printer which would be informed to the user. This allows a user to take corrective actions, which would then allow the print job to be completed. Also, providing data present and error conditions are very common processes in printers as show by Bender.

As to claim 7, Villalpando teaches the features with motivation in claim 6, and the host apparatus is connected via a communication network, and informing means supplies the information to all host apparatus connected (col. 5, lines 53-60).

As to claim 9, Villalpando teaches the features with motivation in claim 6, and the determination means (note 201 in fig. 2) acquires the contents of the new condition using the condition acquisition means, and determines if the contents indicate a power off notice signal.

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As to claims 58, 16 and 18, Villalpando teaches the steps are performed by the apparatus claims 56, 7 and 9 as indicated above.

As to claim 68, the combination of Villalpando and Bender teaches the programs for instructing the apparatus claim 56 as indicated above.

Allowable Subject Matter

6. Claims 77, 78, and 79 are objected.

Claims 77, 78, 79 are objected to as being dependent upon a rejected base claims 55, 57, and 67 respectively, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 77, 78, and 79, the prior art, taken either singly or in combination, does not teach: determines that the change in the condition of the printing unit corresponds to the power Off notice, the power supply is turned off after the external apparatus is informed by the informing means that the power supply is scheduled to be turned off.

Response to Arguments and Amendment

Applicant's arguments filed 2/5/2004 have been fully considered but they are not persuasive.

Applicant asserted in page 11 that " nothing in Villalpando is seen to describe the printer controller receiving a signal indicating that a condition of the printer has changed, nor is Villalpando senn to describe the printer controller acquiring the printer status information in

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response to receiving such a signal". In reply, Villalpando teaches reception means (i.e., 220 in fig. 2) for receiving a condition change signal indicating that a condition of an engine unit has changed (note printer status information is received by printer controller 220 in fig. 2, col. 4, lines 31-32); and acquisition means (note 220 in fig. 2) discussed in col. 4, line 66 through col. 5, line 7) for acquiring contents of a new condition upon reception of the condition change signal from the engine unit (col. 4, lines 31-34).

Applicant asserted in page 14 that " Bender et al. which is cited for its teaching regarding a nonvolatile memory are not understood to overcome the above noted deficiencies in the teachings of Villalpando." In reply, Bender teaches condition holding means for holding a condition of the print job received from the host apparatus, and wherein the information supplied from the informing means to a host (note NPAP 50 in fig. 2) includes information of an incomplete job held by the condition holding means ((i.e., non-volatile memory discussed in col. 8, lines 22-30 and col. 4, lines 46-60). It would have been obvious to have modified the status of printing controller in Villalpando by providing informing means for, when the power supply is turned on, supplying information of an incomplete print job to the host apparatus on the basis of the print job condition stored by the nonvolatile storage means as taught by Bender. The suggestion for modifying the printing system of Villalpando can be reasoned by one of ordinary skill in the art as set forth by Sung because such a modification would improve the capability and efficiency of the system for providing more status options (i.e., an incomplete print job) of a printer which would be informed to the user.

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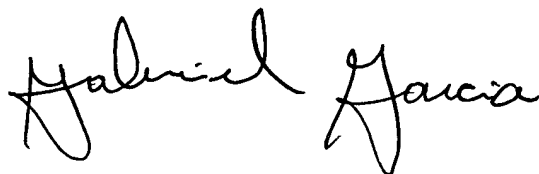
For the above reasons, it is believed that the cited prior art fully discloses the claimed invention and the rejection stand.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran
Apr. 10, 2004

A handwritten signature in black ink, appearing to read "Gabriel Garcia". The signature is fluid and cursive, with the first name "Gabriel" and the last name "Garcia" clearly distinguishable.

GABRIEL GARCIA
PRIMARY EXAMINER